IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.15781-M of 2007
Date of Decision:- 21.11.2007

Jagpal @ Kulfi ....Petitioner(s)

through
Mr.V.K.Jindal, Advocate

vs.

State of Haryana & others ....Respondent(s)

through
Mr.Pawan Kumar, AAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

The petitioner is a convict under Section 302/307 IPC etc. and is undergoing imprisonment for life.

The petitioner has been denied parole for house repairs on the ground that as per the report of the District Magistrate, Rohtak, the repairs, if any, can be carried out by his elder brother Jai Pal and petitioner's own wife and that the petitioner is a man of “criminal nature” and had earlier escaped from the police custody.

Notice of motion was issued and in response thereto, the respondents have filed their reply.

It has been highlighted that the petitioner is a professional criminal, who, apart from his conviction in the murder case, is also invovled in some other criminal cases as per the following details:-

(i)F.I.R.No.243 dated 26.8.2002 under Sections 302/34

IPC P.S.Meham;

(ii)F.I.R.No.74 of 2004 under Sections 307/353/186/34 IPC, P.S.Special Cell, Delhi; and

(iii)F.I.R.No.102 of 2004 under Sections 447/448/386/387/506/34 IPC, P.S.Sadar Rohtak.

There are also allegations that the petitioner had escaped from the police custody, therefore, having regard to the said background he cannot be released on parole.

Needless to say that a convict can be released on parole under Section 3(1)(d) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 only when a "sufficient cause" is made out by him.

Keeping in view the petitioner's criminal background, it cannot be said that even for the purpose of house repairs, his physical presence at the spot is required. The Authorities are right in observing that such repairs can be carried out by the petitioner's elder brother or his wife. Not only this, if the family members of the petitioner are not in a position to carry out the necessary repairs, the petitioner , if so advised, may approach the PWD (B&R) Department through the Jail Authorities who can ensure the necessary repairs, if any, at the expenses to be borne by the petitioner.

Consequently, no case to release the petitioner on parole for the purpose of house repairs is made out. Dismissed.

November 21, 2007 **(SURYA KANT)**
poonam **JUDGE**